

Mr. Garland Johnson
8254 New Hampshire Ave
Silver Spring, MD 20903

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF TEXAS

MILLENNIUM TGA, INC,)	Case No.: 4:11-CV-04501
)	
Plaintiff,)	MOTION OF NONPARTIES TO QUASH OR
)	VACATE THE SUBPOENA
vs.)	
)	
GARLAND JOHNSON,)	
)	
MOVANT)	

Nonparties Garland Johnson, hereby respectfully request that this Court quash the subpoenas purportedly served upon Movants, or in the alternative declare that no valid subpoena has properly been served upon the Movants pursuant to Fed.R.Civ.P.45.

As grounds therefor, Garland Johnson state as follows:

1. Garland Johnson lives at 8254 with his Wife, and five others, and works in the District of Columbia.
2. On or about May 5, 2012, Plaintiff Millennium TGA Inc through counsel, purported to name Movant in his alleged complaint.
3. The said purported complaint were not served in person as required by Fed.R.Civ.P. 45(b).
4. Finally, and most importantly, the purported letter states that Comcast will provide my personal information in violation of my due process rights.
5. In addition to being unduly burdensome and unfair to movants, this request raises concerns of tremendous constitutional significance, that should not be resolved lightly or without careful analysis of their implications.
6. This Court need not reach these complex constitutional issues, however, because the subpoenas should be quashed for the reason that Garland Johnson nor any residents had any notice that something illegal

1 was being done thru the use of his Comcast services. The pending case
2 is improper for at least three dispositive reasons:

3 a. First, the Court lacks subject matter jurisdiction over this
4 civil action.

5 b. Second, the Court lacks personal jurisdiction over Garland
6 Johnson named in the Complaint, and the underlying case must
7 therefore be dismissed for that reason as well. The persons
8 alleged to have committed the alleged act is six years of age,
9 and are not alleged to have acted in this judicial district.

10 c. Thirdly, the underlying case must be dismissed as moot.


11 7. The anonymity of persons accessing Internet web sites should not be
12 breached in aid of a case not properly filed in this Court.

13 8. For each of the above reasons, the subpoenas are invalid. Moreover,
14 the Movants are not subject to personal jurisdiction in this Court.
15 Nonetheless, out of an abundance of caution, Movants are filing the
16 within motion rather than simply ignoring the invalid subpoenas as Rule
17 45 would permit them to do.

18 CONCLUSION

19 The subpoenas must be quashed because they were not properly served,
20 because they violate the geographic limitations of Rule 45, and because they
21 impose an undue burden on Movants that raises significant constitutional
22 questions.

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25 Dated this May 15, 2012

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28 MR. GARLAND JOHNSON, PRO SE
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MR. Garland Johnson
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Southern District of Texas
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David J. Bradley, Clerk of Court

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Clerk of Court
U.S. District Court
600 E. Harrison St
Brownsville, TX 78520

